REMARKS

Claim 1 is amended. Claims 21-24 are added. The amendment to claim 1 and new claims 21-24 are supported by the specification at page 6, line 29 to page 7, line 9.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. The Rejection of Claims 1-20 under 35 U.S.C. 102/103

Claims 1-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Guraya. The Examiner states that Guraya discloses contacting cereal flours with aqueous media to form a slurry followed by deagglomeration of the starch granules by subjecting the slurry to high shearing via a microfluidizer. This rejection is respectfully traversed.

The claimed invention is directed to a method for preparing a particulate composition having improved average strength of particles by contacting an un-agglomerated particulate starting material with a liquid and subjecting the mixture to high shear at a rate which substantially avoids agglomeration of the particles.

Guraya discloses a process involving de-agglomeration using a microfluidizer which applies a shear force for disruption of the agglomerated particles. The present invention, by comparison, uses a shear force to substantially prevent agglomeration of the particles, which is defined in the specification as meaning that more than 80% of the un-agglomerated particles in the particulate starting material remain un-agglomerated. See the specification at page 6, line 29 to page 7, line 9. In this regard, Guraya discloses a very different process than the claimed invention as Guraya does not disclose a process in which a particulate starting material comprising un-agglomerated particles is contacted with a liquid and subject to high shear at a rate so that more than 80% of the un-agglomerated particles in the particular starting material remain un-agglomerated.

There is also no suggestion to modify the process of Guraya to prevent the formation of agglomerated particles. Guraya discloses a processs for deagglomeration which does not suggestion a process of avoiding agglomeration in the first place.

Guraya also does not teach the high shear treatment should be performed in a high shear mixer and the applied shear is in the range of 0.5 and 3 s^{-1}, as claimed in claim 18.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 102/103. Applicants respectfully request reconsideration and withdrawal of the rejection.

II. The Rejection of Claims 1-20 under 35 U.S.C. 102/103

Claims 1-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Van Dijk et al. The Examiner states that Van Dijk et al. discloses forming a paste followed by subjecting to high shear mixing. The Examiner states that Van Dijk et al. differs from the claimed invention in the characterization of the shear rate substantially avoiding agglomeration, but that avoiding agglomeration would have been implicit in the final stages of granulation of Van Dijk et al. and Applicants do not define the specific shear rate. This rejection is respectfully traversed.

Van Dijk et al. does not teach or suggest a process of using high shear mixing to substantially avoid agglomeration, to the contrary, Van Dijk et al. teach using shear mixing to agglomerate. Thus, even if Van Dijk et al. disclose a process in which deagglomeration is "implicitly" carried out in the final stages (which has not been established), this is still not a teaching or suggestion to use high shear mixing to avoid agglomeration, as is recited in the claims. The claims have also been clarified to include the definition provided in the specification for the phrase "substantially avoiding agglomeration" as meaning that more than 80% of the un-agglomerated particles in the particular starting material remain un-agglomerated, which is not taught or suggested by Van Dijk et al.

In addition, Van Dijk et al. also does not teach a method for preparing a particulate composition having improved average strength of particles.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 102/103. Applicants respectfully request reconsideration and withdrawal of the rejection.

III. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: June 13, 2006

Jason J. Garbell, Reg. No. 44,116
Novozymes North America, Inc.
500 Fifth Avenue, Suite 1600
New York, NY 10110
(212)840-0097